

# UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/810,506	03/19/2001	Teruaki Taji	204936US0	8250	
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OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.			EXAMINER		
	1940 DUKE STREET ALEXANDRIA, VA 22314			COLLINS, CYNTHIA E	
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			ART UNIT	PAPER NUMBER	
			1638		
			DATE MAILED: 03/31/2003	21	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary    Cynthia Collins   Cynthia Cynth		Application No.	Applicant(s)				
## Cymbia Collins ## Cymbia Collins ## 1538  ## Fortod for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  ## A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  ## A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  ## A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  ## A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  ## A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS SCHOOL AND THE MAILING DATE OF THE MAILING							
Cynthia Collins    Cynthia Collins	Office Action Summary						
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A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Edenwise of the may be enabled under the promise of 37 CFR 1.186(s). In no event, however, may a reply be timely find above the main of the substance of the statutory minimum of binty (30) days will be considered timely.  If the period for mey's specified above, the maximum statutory period will apply and will expire SIX (8) MONTH'S from the mailing date of this communication.  If the period for mey's specified above, the maximum statutory period will apply and will expire SIX (8) MONTH'S from the mailing date of this communication.  If the period for mey's specified above, the maximum statutory period will apply and will expire SIX (8) MONTH'S from the mailing date of this communication, even if timely fitted, may reduce this communication.  All the period for mey's specified above, the maximum statutory period will apply and will expire SIX (8) MONTH'S from the mailing date of this communication, even if timely fitted, may reduce they communication.  Application is FINAL.  2a) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Queryle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 10-22 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5 Claim(s) is/are allowed.  6) Claim(s) is/are allowed.  6) Claim(s) is/are allowed.  7 Claim(s) is/are allowed.  8 Claim(s) 10-22 is/are rejected.  9 The drawing(s) filed on is/are solyceted to by the Examiner.  Application Papers  9) The drawing(s) filed on is/are solyceted or by the Examiner.  10) The drawing(s) filed on is/are solyceted or solyceted or by the Examiner.  11 per proveed, corrected drawings are required in reply to this Office action.  12 The oath or declaration is objected to by the Examiner.  13 Copies of the certified copies of the priority documents have been receiv	The MAII ING DATE of this communication ann		1 1 1				
THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be available under the provision of 37 CPR 1.136(p). In no event, however, may a reply be timely field after 51/k (p) MoVPT short the making date of this commencation.  If NO pends for reply is a position and in the commencation of the commencation.  If NO pends for reply is a position above, the maximum attaktory pend via lapsy and wall supple soft (b) (MOVPT from the mailing date of this communication.  Failure to reply within the set or extended pends for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).  Any reply received by the Other acids from the mailing date of this communication, even if timely filled, may reduce any status plates from expensions. Sea ST CPR 1.74(b).  Status  1) Responsive to communication(s) filled on commencation is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 10-29 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) Claim(s) is/are allowed.  6) Claim(s) is/are allowed.  6) Claim(s) is/are allowed.  7) Claim(s) is/are allowed.  8) Claim(s) are subject to restriction and/or election requirement.  Application Papers  9) The procriding is provided to by the Examiner.  10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Application Papers  10) The proposed drawing correction filed on 10 January 2002 is: a) approved b) disapproved by the Examiner.  If approved, corrected drawings are required in reply to this office action.  11) The proposed drawing correction filed on 10 January 2002 is: a) approved by the Examiner.  11) All b) Some of the certified copies of the priority documents have been received in this National Stage ap	Period for Reply						
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## **DETAILED ACTION**

The Amendment filed January 10, 2003, paper no. 20, has been entered.

Claims 1-9 are cancelled.

Claims 10-29 are newly added.

Claims 10-29 are pending.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

All previous objections and rejections not set forth below have been withdrawn.

### **Drawings**

The corrected drawings were received and are acceptable.

# Claim Rejections - 35 USC § 112

Claims 10-29 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for a method for increasing drought stress resistance in a plant by introducing into a plant and expressing an isolated nucleic acid encoding the galactinol synthetase designated AtGolS2, does not reasonably provide enablement for methods for increasing stress resistance in general, or methods of increasing stress resistance in a plant by introducing into a plant and expressing other isolated nucleic acid sequences encoding other amino acid sequences, for the reasons of record set forth for claims 1, 3-7 and 9 in the office action mailed October 18, 2002.

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Applicant's arguments filed January 10, 2003, have been fully considered but they are not persuasive.

Applicant argues that the claimed method is described throughout the specification, and points in particular to page 17, the examples at page 20, and Figure 6 (reply page 5).

The Office maintains that the disclosure does not support the enablement of the full scope of the claimed invention. First, as stated previously, the specification does not disclose whether the claimed method results in increased resistance to stresses other than drought stress. Second, as stated previously, the specification does not disclose the relationship, if any, between the isolated nucleic acid obtained from *Arabidopsis* encoding a galactinol synthetase designated AtGolS2, and the sequences recited in the claims (SEQ ID NOS:2 and 3). With respect to page 17 of the specification, page 17 merely suggests that a plant transformed with a galactinol synthetase gene would possess improved stress resistance, "for example high salt concentration and/or drought condition" (lines 11-12). With respect to the examples set forth at pages 20-29 of the specification, the examples disclose only a method of increasing the drought stress resistance of a plant by introducing into and expressing in an *Arabidopsis* plant an isolated nucleic acid obtained from *Arabidopsis* encoding a galactinol synthetase designated AtGolS2. With respect to Figure 6, the figure shows only the growth under drought stress of *Arabidopsis* plants transformed with AtGolS2 or a control vector.

#### Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### Remarks

No claim is allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cynthia Collins whose telephone number is (703) 605-1210. The examiner can normally be reached on Monday-Friday 8:45 AM -5:15 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amy Nelson can be reached on (703) 306-3218. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-4242 for regular communications and (703) 308-4242 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.

PHUONG T. BUI PRIMARY EXAMINER Application/Control Number: 09/810,506

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CC March 14, 2003

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